

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
CIVIL DIVISION

HOW TO FILE AN ANSWER TO AN UNLAWFUL DETAINER COMPLAINT

Who must file: Anyone over the age of 18, named as a defendant on an Unlawful Detainer Complaint. If you were served the complaint personally, you have 5 days to respond. If you were served by substitute service or by a posting order, you have 15 calendar days to respond. If your last day to respond falls on a Saturday, Sunday, or a court holiday, you must file your answer by 5:00 p.m. of the following business day. Failure to file an Answer to the Unlawful Detainer Complaint may result in a judgment against you and an eviction from the premises.

You must submit the proper filing fee and the following forms: Filing fee per person for filing an Answer is \$300.00 for Limited Civil Filings (\$180.00 if amount demanded is \$10,000 or less) and \$320.00 for Unlimited Civil filings. If there is a financial hardship, and if you qualify, an Application and Order for Waiver of Court Fees may be filed in lieu of fees. Each person filing an Answer will need to file a separate Application and Order for Waiver of Court Fees.

Answer – Unlawful Detainer - Judicial Council form 982.1(95) and any supporting documents

Proof of Service by First-Class Mail-Civil - *Judicial Council form POS-030

You must have someone serve a copy of your Answer and a copy of the completed Proof of Service by First Class Mail – Civil on the plaintiff (see note below). This must be done ***before*** you come to the Clerk's Office or the clerk cannot file your answer.

File the original documents with original signatures and correct filing fees at one of the clerks' offices located at either 800 S. Victoria Avenue, Room 210, Ventura or 3855-F Alamo Street, Simi Valley.

How to complete and file your Answer-Unlawful Detainer: If you are representing yourself, you are in proper. In the section at the top the Answer-Unlawful Detainer, type your name and the name of any other person answering, your address, and a telephone number.

Complete the court information with the address of the court where the plaintiff, the person who is suing you, filed the action. This information will be found on the Complaint you were served.

Enter the name of the plaintiff(s) and the defendant(s) as stated on the Complaint. Enter the case number as stated on the Complaint.

Complete sections 1 through 7 as it pertains to you.

Section 1: You must state your name as it appears on the Complaint. If this is not your "true" name, you must enter your correct name and enter the statement "erroneously sued as" then the incorrect name on the Complaint. (Example: Jane Doe erroneously sued as Jane Roe.)

Sections 3-6: Answer each statement as it pertains to you.

Section 7 must be completed in all cases.

Each person filing the answer must sign the Answer and the Verification on page 2.

***Regarding the Proof of Service by First Class Mail - Civil:** You may not complete this form. It must be completed by a person over the age of 18 years old who is not a party to the action. This person must complete all the information on this form, and place a copy of your Answer-Unlawful Detainer and a copy of the Proof of Service by First Class Mail-Civil in a stamped envelope addressed to the plaintiff or their attorney if they have one and place the envelope in the mail.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name and Address)</i> : ATTORNEY FOR <i>(Name)</i> : NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE NO.:	FOR COURT USE ONLY
PLAINTIFF: DEFENDANT:		
ANSWER—Unlawful Detainer		
		CASE NUMBER:

1. Defendant *(names)*:

answers the complaint as follows:

2. **Check ONLY ONE of the next two boxes:**

- a. ☐ Defendant generally denies each statement of the complaint. *(Do not check this box if the complaint demands more than \$1,000).*
- b. ☐ Defendant admits that all of the statements of the complaint are true EXCEPT
 (1) Defendant claims the following statements of the complaint are false *(use paragraph numbers from the complaint or explain)*:

☐ Continued on Attachment 2b(1).

- (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them *(use paragraph numbers from the complaint or explain)*:

☐ Continued on Attachment 2b(2).

3. **AFFIRMATIVE DEFENSES** **(NOTE: For each box checked, you must state brief facts to support it in the space provided at the top of page two (item 3j).)**

- a. ☐ *(nonpayment of rent only)* Plaintiff has breached the warranty to provide habitable premises.
- b. ☐ *(nonpayment of rent only)* Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. ☐ *(nonpayment of rent only)* On *(date)*: _____, before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. ☐ Plaintiff waived, changed, or canceled the notice to quit.
- e. ☐ Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. ☐ By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or laws of the United States or California.
- g. ☐ Plaintiff's demand for possession violates the local rent control or eviction control ordinance of *(city or county, title of ordinance, and date of passage)*:

(Also, briefly state the facts showing violation of the ordinance in item 3j.)

- h. ☐ Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- i. ☐ Other affirmative defenses are stated in item 3j.

(Continued on reverse)

PLAINTIFF (Name): _____	CASE NUMBER: _____
DEFENDANT (Name): _____	

3. AFFIRMATIVE DEFENSES (cont'd)

j. Facts supporting affirmative defenses checked above (identify each item separately by its letter from page one):

(1) ☐ All the facts are stated in Attachment 3j. (2) ☐ Facts are continued in Attachment 3j.

4. OTHER STATEMENTS

- a. ☐ Defendant vacated the premises on (date):
 b. ☐ The fair rental value of the premises alleged in the complaint is excessive (explain):
 c. ☐ Other (specify):

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
 b. costs incurred in this proceeding.
 c. ☐ reasonable attorney fees.
 d. ☐ that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.
 e. ☐ other (specify):

6. ☐ Number of pages attached (specify):

UNLAWFUL DETAINER ASSISTANT (Business and Professions Code sections 6400-6415)

7. (Must be completed in all cases) An **unlawful detainer assistant** ☐ did not ☐ did for compensation give advice or assistance with this form. (If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state):

- a. Assistant's name: b. Telephone No.:
 c. Street address, city, and ZIP:

d. County of registration: e. Registration No.: f. Expires on (date):

..... (TYPE OR PRINT NAME)  _____ (SIGNATURE OF DEFENDANT OR ATTORNEY)

..... (TYPE OR PRINT NAME)  _____ (SIGNATURE OF DEFENDANT OR ATTORNEY)

(Each defendant for whom this answer is filed must be named in item 1 **and** must sign this answer unless his or her attorney signs.)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... (TYPE OR PRINT NAME)  _____ (SIGNATURE OF DEFENDANT)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. On *(date)*: I mailed from *(city and state)*:
the following **documents***(specify)*:

- ☐ The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (*check one*):
- a. ☐ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
- a. **Name** of person served:
- b. **Address** of person served:

Date:

(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Service by First-Class Mail—Civil* (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents:

(1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service—Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person for whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box.

The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:

Check box a if you personally put the documents in the regular U.S. mail.
Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.